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10/772,035	02/03/2004	Michael K. Saltz	30014200-2046	3880

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EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

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04/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,035	Applicant(s) SALTZ, MICHAEL K.	
	Examiner PRAMILA PARTHASARATHY	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 32-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on January 07, 2008. Claims 32 - 37 have been cancelled and Claims 1 – 31 are pending.

Response to Arguments

2. Applicant's remarks filed on January 07, 2008 have been fully considered.

With respect to Double Patenting rejection, Applicant argues that Patents 6,418,444 and 6,742,006 "with subject matter relating to verifying whether a program conforms to a platform standard". Applicant states that the present invention "do not claim subject matter relating to verifying whether a program conforms to a platform standard". Examiner agrees that part of the preamble of Patent claims recites "verifies that a computer program written in a programming language conforms to a platform standard for" however, Examiner respectfully directs Applicant attention to rest of the preamble and body of the claimed invention, i.e., "A firewall system that verifies that a computer program written in a programming language conforms to a platform standard for the programming language, comprising:" and "a portion of firewall system that receives the computer program from a source outside the firewall; a portion of the firewall system that determines whether the received computer program is a computer program of a type to be checked for conformance; a portion of the firewall system that determines whether the computer program contains an indication that it conforms to the platform standard; and a portion of the firewall system that passes the computer program through the firewall only when the computer program contains an indication that it conforms to a platform standard" in both the Patents 6,418,444 and 6,742,006 wherein, the Patent inventions specifically determine with a firewall system whether an indication that the computer program of a type to be checked for conformance" wherein an example of such a determination, for example, in Patent 6,418,444 Fig. 1, 5(a) and 5(b) will be made and as to the instant application, the determination to

authenticate a first security identification through a firewall is generally claimed as “a security context block that determines whether a first security identification can be authenticated (checked for conformance) and a first firewall control block, wherein the first firewall control block includes: an associate security identification portion that identifies one or more associates of said first application (type to be checked) as identified associates, and wherein each one of said one or more identified associates has access privilege with respect to said first application” which are disclosed in Patents, for example, Patent 6,418,444 Figure 9. Thus instant claims are obvious over Patents and Examiner maintains Double Patenting rejection. Furthermore, Examiner suggests filing Terminal disclaimer to overcome Double Patenting rejection.

With respect to Double Patenting rejection with copending application 10/743,929, Applicant states that "As the present application and U.S. 10/743,929 currently pending, Applicant submit the rejection is premature and do not submit a terminal disclaimer rejection at this time". Examiner respectfully maintains double patenting rejection with copending application 10/743,929 until the issue is resolved and requests Applicant to file a terminal disclaimer to overcome double patenting rejection.

3. With respect to claims 1, 7, 10, 14, 21 and 27, Applicant agrees that cited prior art Montgomery et al. Patent 7,127,605 teaches “a system in which various security methods are enforced” and “a firewall control block limits access through various security checks, such as the session keys and the like”, however argues that Montgomery do not teach amended claim limitation, "determining whether a security identification can be authenticated before it is presented to a firewall control block or Java™ compliant applet". Examiner disagrees and points to Montgomery Column 4 lines 3 – 20 wherein, the security policy is applied to verifying and authenticating the client through an AID, public, private key pairs, PIN or shared secret (see

also Column 3 lines 28 – 42 and Column 5 lines 4 – 52) which corresponds to instant application amended claim limitation “determining whether a security identification (identification disclosed as security ID, See instant specification Paragraph [0044]) can be authenticated (disclosed as the authentication process by a verification process that uses a set of public and/or private keys, See instant specification Paragraph [0044]) before it is presented to a firewall.

Applicant's general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Therefore, the examiner respectfully asserts that the cited prior art does teach or suggest the subject matter broadly recited in independent claims. The dependent claims are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action. Accordingly, the rejection for the pending claims is respectfully maintained.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 – 31 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 46 of U.S. Patent No. 6,418,444. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 31 correspond to the claims of 1 – 46 of the patent claims, except in the instant claims the elements “a first application”, “a second application” and “first firewall control block”, are referred in the patent claims as “computer program” and “a firewall”.

It would have been obvious to one having ordinary skill in the art to recognize that “a first application and a second application” are equivalent to “computer program” and “first firewall control block” is equivalent to “a firewall. Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC)* 29 USPQ2d 2010 (12/3/1993).

5. Claims 1 – 31 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 69 of U.S. Patent No. 6,742,006. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 31 correspond to the claims of 1 – 69 of the patent claims, except in the instant claims the elements “a first application”, “a second application” and “first firewall control block”, are referred in the patent claims as “computer program” and “a firewall”.

It would have been obvious to one having ordinary skill in the art to recognize that “a first application and a second application” are equivalent to “computer program” and “first firewall control block” is equivalent to “a firewall. Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application.

Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC)* 29 USPQ2d 2010 (12/3/1993).

6. Claims 1 – 31 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 22 of U.S. copending application No. 10/743,929. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 31 correspond to the claims of 1 – 22 of the patent claims and patent claims encompasses the scope of Claims 1 – 31 of the instant application.

The instant application generally claims a computing environment comprising a virtual machine, a first application operating on said virtual machine and a first firewall control block. Copending application 10/743,929 claims similar limitations except “further defines the access privilege of said second application with respect to said first application”. However, copending application claims, “a first firewall control block, wherein said first firewall control block defines access privileges of said first application”, which is equivalent to the instant application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery et al. (U.S. Patent Number 7,127,605).

8. As per Claims 1, 7 and 14, Montgomery teaches “a virtual machine; a first application operating on said virtual machine; a security context block that determines whether a first security identification can be authenticated (Summary and Column 3 lines 28 – 42);

a second application operating on said virtual machine; and a firewall control block, wherein said firewall control block includes one or more of the following: a first firewall control block portion, wherein said first firewall control block portion defines access privileges of said first application with respect to said second application, and further defines the access privileges of said second application with respect to said first application. a second firewall control block portion, wherein said second firewall control block portion includes: an associate security identification portion that identifies one or more associates of said first application as identified associates, wherein each one of said one or more identified associates has access privilege with respect to said first application (Summary; Column 3 lines 28 – 42 and Column 5 lines 4 – 52);

an access-operations portion that for each one of said one or more identified associates identifies one or more access operations that have been allowed, wherein the security context block presents the first security identification to the first firewall control block responsive to determining that said first security identification can be authenticated (Column 4 lines 3 – 20) “.

9. As per Claim 10, Montgomery teaches “receiving a request from a first JavaTM compliant applet operating on JavaTM virtual machine to perform an operation on a second JavaTM compliant applet, said request including a security identifier that identifies said first JavaTM compliant applet; a security context block determining whether a first security identification can be authenticated and when the security context block determines that the first security

identification can be authenticated, reading a firewall control block associated with said second Java™ compliant applet (Summary and Column 3 lines 28 – 42 and Column 4 lines 3 – 20);

determining whether said firewall control block defines said security identifier as an associate of said second Java™ compliant applet; and denying access to said first Java™ compliant applet when said determining determines that control block does not define said security identifier as an associate (Column 3 lines 28 – 42 and Column 4 lines 3 – 20)".

10. As per Claim 21, Montgomery teaches "virtual machine; one or more applications operating on said virtual machine; and one or more security context blocks provided for said one or more applications, wherein each of said one or more security context blocks include: a security identification (Summary and Column 3 lines 28 – 42); and

a cryptographic system that can be used to perform cryptographic operations, wherein said cryptographic operations include cryptographic operations that can be performed on said security identification, wherein each security context block determines whether a security identification can be authenticated and the respective security context block presents the security identification to a first firewall control block responsive to determining that said security identification can be authenticated (Column 4 lines 3 – 20)".

11. As per Claim 27, Montgomery teaches " providing a security context that includes a security identification and a cryptographic system; receiving from a first Java™ compliant applet a request to perform an operation on a second Java™ compliant applet, wherein the request includes a first security identification; determining whether said first Java™ compliant applet can be authenticated (Summary and Column 3 lines 28 – 42) and

presenting the first security identification to said second Java™ compliant applet only when said determining determines that said first security identification can be authenticated (Column 4 lines 3 – 20)".

12. As per Claim 2, Montgomery teaches “one or more identifiers that have been assigned to said one or more identified associates; and wherein for each one of said one identifiers, one or more operations have been defined in said access-operations portion (Column 3 lines 28 – 42)”.

13. As per Claim 4, Montgomery teaches “wherein said computing environment includes a second application operating on said virtual machine, wherein said first firewall control block includes a security ID of said second application, thereby indicating that said second application is an identified associate of said first application, and wherein said first firewall control block also includes one or more operations that have been defined for said second application, thereby indicating what operations can be performed by said second application on said first application (Column 5 lines 2 – 52)”.

14. As per Claim 8, Montgomery teaches “wherein said mobile device is a Java™ compliant smart card (Column 3 lines 28 – 42)”.

15. As per Claim 11, Montgomery teaches “wherein said method further comprises: determining whether said firewall control block defines said operation as an operation that should be allowed when said determining determines that said firewall control block defines said security identifier as an associate; and granting access to said first Java™ compliant applet to perform said operation on said second Java™ compliant applet when said determining determines that said firewall control block defines said operation as an operation that should be allowed (Column 5 lines 2 – 52)”.

16. As per Claim 15, Montgomery teaches “wherein said first firewall control block portion includes a firewall control value and a firewall control indicator (Column 3 lines 28 – 42)”.

17. As per Claim 17, Montgomery teaches “wherein said first firewall control block portion includes a plurality of firewall control values and a plurality firewall control indicators (Column 5 lines 2 – 52)”.

18. As per Claim 18, Montgomery teaches “wherein said first firewall control block portion includes first and second firewall control values and first and second firewall control indicators, wherein the first firewall control value and indicator indicate access privileges of said first application to said second application, and wherein said second firewall control value and indicator indicate access privileges of said second application to said first application (Column 5 lines 2 – 52)”.

19. As per Claim 19, Montgomery teaches “wherein said computing environment is a JavaTM compliant computing environment, and wherein said first and second applications are JavaTM compliant applets (Column 3 lines 28 – 42)”.

20. As per Claim 22, Montgomery teaches “wherein said security identification includes one or more security identifiers have been assigned to said one or more applications, and wherein said cryptographic system includes: one or more keys; one or more key management information that provide information with respect said one or more keys; and one or more algorithm identifiers that identify what cryptographic algorithm should be used (Column 3 lines 28 – 42 and Column 4 lines 3 – 20)”.

21. As per Claim 28, Montgomery teaches “wherein said determining of whether said first JavaTM compliant applet can be authenticated comprises: verifying an encrypted string (Column 4 lines 3 – 20)”.

22. As per Claim 29, Montgomery teaches “wherein said determining whether said first JavaTM compliant applet can be authenticated comprises: sending a random string to said first JavaTM compliant applet; encrypting, by said first JavaTM compliant applet, said random string to

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generate a encrypted string; decrypting said random string to generate a decrypted string; and determining whether said decrypted string matches said random string (Column 4 lines 3 – 20)".

23. As per Claim 30, Montgomery teaches "wherein said authentication can be performed without a configuration file (Column 4 lines 3 – 20)".

24. As per Claim 31, Montgomery teaches "wherein said authentication can be performed without user intervention (Column 4 lines 3 – 20)".

25. As per Claim 3, Montgomery teaches "wherein said one or more operations include read, write, delete, create, and update operations (Column 3 lines 28 – 42)".

26. As per Claim 5, Montgomery teaches "wherein said computing environment is a Java™ compliant computing environment, and wherein said first and second applications are Java™ compliant applets (Column 3 lines 28 – 42)".

27. As per Claim 6, Montgomery teaches "wherein said computing environment is a Java™ compliant computing environment, and wherein said first firewall control block is implemented in the run time environment (Column 5 lines 4 – 52)".

28. As per Claim 9, Montgomery teaches "wherein a firewall control block is defined for every Java™ compliant applet that operates on said Java™ compliant virtual machine (Column 3 lines 28 – 42)".

29. As per Claim 12, Montgomery teaches "wherein said method further comprises: providing a reference to said first Java™ compliant applet with a reference to said second Java™ compliant when access is granted (Column 3 lines 28 – 42)".

30. As per Claim 13, Montgomery teaches "wherein said providing of a reference comprises: invoking a first method that is implemented as a part of Java™ management (or system) environment; and invoking a second method that is implemented as an applet class, as a result of said invoking of the second method (Column 3 lines 28 – 42)".

31. As per Claim 16, Montgomery teaches “wherein said firewall control value is an access privileges control value represented by one or more bytes, and wherein said firewall control value is an indicator value represented by one or more bytes that indicate how the firewall control value should be interpreted with respect to access privileges of other applications (Column 4 lines 3 – 20)”.

32. As per Claim 20, Montgomery teaches “wherein said computing environment is a JavaTM compliant computing environment, and wherein said first firewall control block is implemented in JavaTM run time environment (Column 3 lines 28 – 42)”.

33. As per Claim 23, Montgomery teaches “wherein said cryptographic operations include digital signatures, verification, encryption, decryption, and authentication (Column 4 lines 3 – 20)”.

34. As per Claim 24, Montgomery teaches “wherein said cryptographic system includes one or more cryptographic operation identifiers that identify one or more cryptographic operations associated with said one or more keys (Column 4 lines 3 – 20)”.

35. As per Claim 25, Montgomery teaches “wherein said computing system further includes: an encryptor that operates to encrypt a first string using one or more of said keys to generate an encrypted string; a decryptor that operates to decrypt said encrypted string; and a verifier that operates to determine whether the decrypted string can be verified (Column 4 lines 3 – 20)”.

36. As per Claim 26, Montgomery teaches “wherein said computing environment further comprises: a JavaTM management applet that can operate to authenticate a security identification transmitted (Column 3 lines 28 – 42)”.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-232-4195. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Pramila Parthasarathy/
Examiner, Art Unit 2136
April 13, 2008.